

**CONFIDENTIAL**

1-4590

6 January 1951

OGC HAS REVIEWED.

MEMORANDUM FOR: PERSONNEL DIRECTOR

SUBJECT: [REDACTED]

25X1A

1. I discussed today with Mr. Fisher, General Counsel to the Comptroller General, the appointment of [REDACTED] Retired, as an intermittent consultant on a fee basis to advise on military aspects of National Estimates. Mr. Fisher said it was clearly permissible without deduction of the retired pay under the ruling in 28 Comp. Gen. 381, if it were for occasional conference and collaboration.

25X1A

2. I said the aspect of the case that bothered me was that unless the new dual compensation Bill were passed or a full-time employee for the purpose were obtained, [REDACTED] might be used on an intermittent basis for an indefinite period and such continuity of tenure might be questioned at some time in the future. Mr. Fisher said that on this basis it appeared to be a borderline case.

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25X1A

3. I then stated that in discussions with [REDACTED] who both understood the problem, the best estimate they could give me was that [REDACTED] would be called on for approximately 10 days consultation per month. On our current six-day week, this would mean between  $\frac{1}{2}$  and  $\frac{1}{3}$  of the working days in small groups of 2 or 3. Mr. Fisher thought that 10 days scattered through the month is clearly permissible, whereas 29 would indicate permanent tenure. It would appear, therefore, that [REDACTED] may be called for consultation for at least 10 days and, if circumstances require, a few days more might not be out of line. The exact point of demarcation cannot be definitely ascertained.

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4. The appointment paper which I am returning is in itself permissible, but it would be preferable (with the agreement of [REDACTED]) if we start with the six months' period as of January 1. To make absolutely clear the nature of the appointment, I suggest altering the statement under paragraph "1" of the contract to read as follows:

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"To consult from time to time with the Board of National Estimates and to furnish the Board with advice and evaluation on military aspects of such National Estimates as may involve military problems, when called upon to do so.

25X1A

5. If [redacted] wants to submit vouchers for any of the days in December covered by the present contract, I cannot say that it would vitiate my understanding with Mr. Fisher. I merely suggest it would be preferable to have the appointment coincide precisely with the case as discussed with Mr. Fisher.

LAWRENCE R. HOUSTON  
General Counsel

Attachment: 25X1A Personal Service Contract

[redacted]  
Form -4

Appointment Affidavits

25X1A

cc: [redacted]

Central Records  
Legal Chrono  
✓ Subject  
Legal Decision  
Vital Document

LRHouston/ml1

cc made for the Comptroller and dispatched on 19 Jan 51

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# MISSING PAGE

ORIGINAL DOCUMENT MISSING PAGE(S):

Attachment